

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

RECEIVED  
CENTRAL FAX CENTER

AUG 24 2005

In re Application of

Atty. Docket

DAVID W. CUCCIA

PHA 23,280A

Serial No. 09/882,080

Group Art Unit 2614

Filed: June 15, 2001

Examiner Brian P. Yenke

Title: INSTANT REPLAY OF DIGITAL VIDEO OPTIMIZED USING NON MPEG  
FRAME TAGS

Commissioner for Patents  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION	
I certify that this correspondence is being:	
<input type="checkbox"/>	deposited with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
<input checked="" type="checkbox"/>	transmitted by facsimile to the U.S. Patent and Trademark Office at 571-273-8300
On:	<u>Aug. 24, 2005</u>
By:	<u>Elaine DeLucy</u>

NOTICE OF APPEAL

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated June 20, 2005, of the Examiner finally rejecting claims 1-4.

- Please charge the fee of \$500.00 to Deposit Account No. 14-1270.
- No additional fee is required, because the fee was paid in a prior appeal.

RECEIVED  
OIPE/IAP  
AUG 25 2005

Respectfully submitted,

By Russell Gross  
Russell Gross, Reg. 40,007  
Attorney  
(914) 333-9631

08/25/2005 RFEKADU1 00000028 141270 09882080  
01 FC:1401 500.00 DA

s:\kra23280a\_NOTAPP.WP.doc